

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CARMEN E. MARTINEZ-AYALA,

Plaintiff,

This Document Relates to MDL-1789  
Case Number: 2007-cv-4755

vs.

MERCK & CO., INC.,

Defendant.

**NOTICE OF SCRIVENERS ERROR IN FILING OF INITIAL  
PLEADING LISTING MICHAEL B. LYNCH, ESQUIRE,  
AS CO-COUNSEL OF RECORD**

Plaintiff, CARMEN E. MARTINEZ-AYALA, by and through her undersigned counsel, files her Notice of Scriveners Error in Filing of Initial Pleading Listing Michael B. Lynch, Esquire as Co-Attorney of Record. Plaintiff states as follows:

1. The Law Offices of Kim, Pardy & Rodriguez, P.A., and Eduardo Rodriguez, Esquire, of Kim, Pardy & Rodriguez, P.A., filed Plaintiff's Complaint and Demand for Jury Trial in the above-styled action on June 4, 2007.
2. The undersigned attorney inadvertently and erroneously added Michael B. Lynch, Esquire, to the signature block of Plaintiff's Complaint as co-counsel for Plaintiff in the subject action.
3. Upon the Clerk's receipt of Plaintiff's Complaint, Michael B. Lynch, Esquire, was therefore added as co-counsel of record in the instant action.
4. Earlier today, the office of the undersigned attorneys were contacted by Michael B. Lynch, Esquire, and made aware of its error.

5. This subject action was filed using a form from other litigation where Michael B. Lynch, Esq., has been co-counsel with Kim, Pardy & Rodriguez, P.A, and was inadvertently not removed from the subject Complaint prior to filing.

6. The undersigned attorneys have been co-counsel with Michael B. Lynch, Esq., in several other cases regarding “mass tort” pharmaceutical litigation. However, Michael B. Lynch, Esq., has never consulted or represented Plaintiff in the matter that is the subject of this action.

7. In addition, Michael B. Lynch, Esq., is currently employed by Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., which has never represented or consulted Plaintiff in the matter that is the subject of this action.

8. In an abundance of caution, to the extent required by the Court, and as expeditiously as possible, Plaintiff shall prepare an Agreed Motion for Withdrawal of Michael B. Lynch, Esq., as co-counsel of record for submission to the Court.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Electronic Filing to the United States District Court of New York, Office of the Clerk, 500 Pearl Street, New York, New York, 10007 and via Electronic Mail to Michael B. Lynch, Esquire, Levin, Papantonio, et al. 316 S. Baylen Street, Suite 600, Pensacola, FL 32502-5996 on this 14th day of June, 2007.

/s/ Eduardo Rodriguez  
EDUARDO RODRIGUEZ  
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